

App. F. IX-4

Previous References

193 .
()
Legis

File No. 1-40

Serial Nos. 1

Later References.

DPRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Issue of Compendium—Mypne Insurance Act.

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2]

Serial
No.

From

Branch Secretary, Oriental Life Insurance Co. Bangalore
letter d 19 March 1940.

Regarding the amendment, the Insurance Act
' In the Company's letter of the 13th February requesting to be
informed where they might dispense with the necessity
for notice of assignment reference is made to an earlier
letter of the 2nd February. This letter is not traceable
and action cannot be taken in its absence

✓ If approved, the Company will be requested to send a
copy of their letter of the 2nd. Submitted with a draft

One
25.3.40

3 Issue

MMW
28/3

From P 6486 d 29.3.40 to the Oriental Insurance Co.

From,

Branch Secretary, Oriental Life Insurance
Co. Bangalore, Letter dated 16th April 1940. regarding
the amendment of the Insurance Act.

4 Reference is made in the P.W.D. to an earlier
letter of the 2nd April. This letter is not traceable
and action cannot be taken in its absence.

5 Subd with a draft to the Company requesting
them to send a copy of the letter (vide also

6
18.4.

24 to this office letter asking for
a copy of their letter of 2.2.40)

MMW
21/4

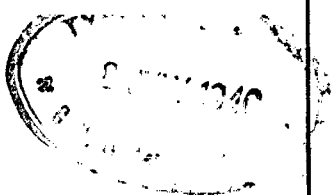
Law Secy)

6 MMW
22/4

7 MMW
22/4

MMW
22/4

Issued NO P 6952 dated 24
1941



MMW
27/4

Serial
No.

From

The Branch Secretary, Oriental Life Assurance Co. Bangalore

Letter d 25 April 1940

Re: Copy of letter of the 2nd February - 2nd April.

In the letter of the 2nd February^x, it is stated that section

May 7

38(2) of the Mysore Act reads differently from the Br.

Indian Act ^{and} suggested that this is due to a printing error, which may be corrected.

Under this section, any assignment or transfer to be valid against the insurer is required to be given notice

of, to ^{him} the insurer. As our section stands, this notice is necessary even where the assignee or transferee is

himself the insurer. In the British Indian Act requirement of notice is dispensed with where the assignee is the insurer.

This exception in favour of the insurer was an addition made in British India by amending Act No. XI of 1939. At that stage our Act was a Bill and the amendment was made in the Legislative Council at the third reading.

Originally the clause stood as follows:-

"38(2). The transfer or assignment shall be

complete and effectual upon the execution of such

endorsement or instrument duly attested but shall

not be operative as against an insurer and shall

not confer upon the transferee.... any right to sue

.... until a notice in writing of the transfer or

assignment has been delivered to the insurer....."

The amendment made ^{in British India} ~~later~~ was as follows:-

"In sub-section (2) of section 38 after the words, 'instrument duly attested but' the words 'except where the

7050
P

Amendment of Insurance Act

General and Revenue
Secretariat

File No.

of 194

[App. F. III-2

Serial
No.

transfer or assignment is infavour of the insurer"

shall be inserted."

12 In Mysore however when incorporating this addition, the amendment took the form of a substitution of the entire sub-clause (2) in the form in which it occurs in the Act now and to which objection is taken by the Co.

13 It is reasonable that where the transferee or assignee is the insurer himself, notice of such assignment or transfer should be dispensed with. It is only where ~~the~~ the transferee is a third-person that notice to the insurer could be considered necessary before he can be saddled with obligations under the deed.

14 The next point for consideration is the method by which this mistake can be corrected; whether it can be by the issue of a Corrigendum or whether the usual course of legislative machinery has to be invoked. The mistake is merely a wrong transposition of a single word "but" from the beginning to the end of the additional clause. If however legislation is considered desirable it may be mentioned that the Act has again been subject to a number of amendments that have been brought up in—
(L.A. Bill 237 1940 introduced in L.A. on 21.3.40)
British India in the form of a recent Bill which may have to be considered here also after it is passed in British India and this amendment might perhaps be considered then.

Submitted for order

3/5/40
Don

15 A corrigendum may perhaps serve the purpose

Law Secy)

MKV
6/5

Issue of Corrigendum - Mysore Insurance Co

7050
5

File No.

of 194

General and Revenue
Secretariat.

Serial
No.

In Section 38(2), the additional
Clause "Except where the transfer or ~~the~~
assignment is in favour of the insurer"
should have come after the word "but".

This appears to be a hand mistake.

A corrigendum may be issued.

I (Member)

7050

Issue of Compendium

Issue of Compendium

General and Revenue
Secretariat

File No.

of 1940.

[App. F. III-2]

Serial
No.

on an earlier occasion, a Compendium was issued
the Code of Criminal Procedure Code. The issued and
signature of the Secretary to Govt. Law Department
notification in question
The Compendium is put up for issue with reference to
para 2.3 of the notes.

28/7/40
27/7/40

4/7

Law Secy)

I Member)

Hm

4/7/40

MUR
4/7

MUR

6/7/40

Hm

6/7/40

Jesse
JANU
8/7

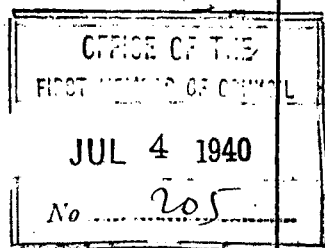
Issued Notification (Compendium) P 207. Sept 1. 40.

Date 10 July 1940 to the Comptroller.

Issued Memo No P dated 13 July 1940 to the

Comptroller for assistance G. Dargan

The notification has appeared in part IV of the
memo issued on 11th July 1940.



Submitted

The letter of the 2nd inst from the

Oriental Co. referred to in the P. U. O was
not received in this Bu. of approved the
A & F a final Bu will be requested to
put it up to enable the case to be
worked up.

One
15.240.

Don

A & E Bu)

The letter was not received in this

Branch

Porter Bu)

157400

Final Bu)

Don for 2nd inst

Mr. L. J. Don was not received

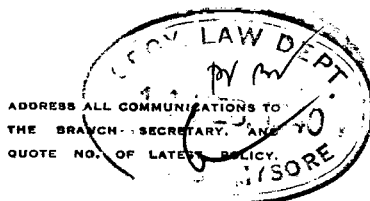
Mr. Bu

Mr. Bu (Porter Bu)

TELEGRAPHIC ADDRESS:
"AL" BANGALOR

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO. LTD.

(INCORPORATED IN INDIA, 1874.)



HEAD OFFICE



BOMBAY.

BRANCH OFFICE FOR MYSORE STATE & COORG,
ORIENTAL BUILDINGS,
SOUTH PARADE.



BANGALORE, 13th February 1940.

From N. Swaminathan Esq., B.A.,
Branch Secretary,
Oriental Govt. Security Life Assurance Co., Ltd.,
South Parade, Bangalore.

To The Secretary to Government,
Law Department,
Public Offices, Bangalore.

Sir,

Re: Mysore Insurance Act 1939.

I have the honour to invite your kind attention to my letter dated the 2nd instant and as it would appear from the reply received from the Superintendent of Insurance in Mysore in this connection, copy enclosed, that my presumption is correct, I shall be glad to hear from you in confirmation letting us know if pending rectification of the printing mistake, we may dispense with the necessity for notice of assignment being given to the Company in respect of loans granted on the Security of Policies under Surrender Value. As the matter is urgent, I shall esteem it a favour if you will be good enough to let us have your reply as early as possible.

I have the honour to be
Sir,
Your most obedient servant,


Branch Secretary.

No.I.C.42 39-40.

Superintendent of Insurance and
Office of the Registrar of Firms in
Mysore, Bangalore.
7th January 1940.

The Branch Secretary,
Oriental Govt. Security Life Assurance Co.,Ltd.,
South Parade, Bangalore.

Dear Sir,

With reference to your letter dated the 2nd February 1940, forwarding a copy of letter addressed to the Secretary to Government, Law Department, regarding the removal of the word 'but' appearing in Section 38 (2), I write to say that there is a printing mistake and steps will be taken to correct the same in due course. The position in the Mysore Act closely follows the position of the British Indian Act in this regard and no apprehension need therefore be entertained.

Yours faithfully,

Sd/- --

FOR SUPERINTENDENT.

TELEGRAPHIC ADDRESS:
"ORIENTAL" BANGALORE.

6202-239
P 839

TELEPHONE No. 10
POST BOX No. 56.

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO. LTD.

(INCORPORATED IN INDIA, 1874.)

HEAD OFFICE



BOMBAY.

ADDRESS ALL COMMUNICATIONS TO
THE BRANCH SECRETARY, AND
QUOTE NO. OF LATEST POLICY.

21. MAR. 1940
BRANCH OFFICE FOR
MYSORE STATE AND COORG
ORIENTAL BUILDINGS,
SOUTH PARADE.

BANGALORE, 19th March 1940.

xxx
Hm
2/3
21/3
From N. Swaminathan Esq., B.A.,
Branch Secretary,
Oriental Govt. Security Life Assurance Co., Ltd.,
South Parade, Bangalore.

To The Secretary to Government
Law Department,
Public Offices, Bangalore.

Sir,

Re: Mysore Insurance Act 1939.

x 5372/29
In inviting your kind attention to our letter of the
2nd ultimo and our reminder thereto of the 13th idem, we have
the honour to state that we have not been favoured with a reply
so far. As the matter is pending for a long time, we shall
esteem it a favour if you will kindly let us have your reply
at your earliest convenience.

I have the honour to be
Sir,
Your most obedient servant,

[Signature]

Branch Secretary.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. *P6486.*

Dated, Bangalore, ~~28th March 194~~

29

From

The ~~General~~ Secretary to the Government of His Highness the Maharaja of Mysore.

To

Law Department.

Sir,
The Branch Secretary,
Oriental Government Security
Life Assurance Company., Ltd.
South Parade, Bangalore.

Re. Mysore Insurance Act, 1939.

With reference to your letter dated 19th March 1940 on the above subject, I am directed to request you to kindly send a copy of your letter of the 2nd February 1940 to which reference is made therein, to enable action, if any to be taken in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

MNV
28/3
For Secretary to Government
on Law Department.

TELEGRAPHIC ADDRESS:
"ORIENTAL" BANGALORE.

6873839
TELEPHONE No. 101.
POST BOX No. 56.

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO. LTD.

(INCORPORATED IN INDIA, 1874.)

ADDRESS ALL COMMUNICATIONS TO
THE BRANCH SECRETARY, AND
QUOTE NO. OF LATEST POLICY.

HEAD OFFICE



BOMBAY.

BRANCH OFFICE FOR
MYSORE STATE AND COORG.
ORIENTAL BUILDINGS,
SOUTH FASADE.



BANGALORE, 16th April 1940.

Dear Mr. H.V. Narayana Rao,

Re: Mysore Insurance Act 1939.

So far back as 2nd February 1940 I wrote to the then Law Secretary Mr. C. Subramanya Iyer regarding certain apparent anomalies in the wording of Section 38 (2) of the Mysore Insurance Act 1939 and requesting him to take steps to remove the same and although two reminders one on the 13th idem and the other on the 19th ultimo were issued, we have not been favoured with a reply so far. As our Head Office have reminded us in the matter, I shall thank you to kindly go through the matter and let us have a reply at an early date. I may also refer you to our recent letter dated 2nd instant (Ref. Yours P.6486 dated 28/29-3-40).

With kind regards,

I am,
Yours Sincerely,

H.V. Narayana Rao Esq., B.A., LL.B.,
Law Secretary
to the Government of Mysore,
Public Offices, Bangalore.

H.V. Narayana Rao

Went!!!

Hm

18/4.

May 18/4

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 28th April 1940.

No. P6952

From

*The Secretary to the Government of His Highness the Maharaja of Mysore,
Law Department.*

To

The Branch Secretary,
Oriental Government Security Life Insurance Co., Ltd.
South Parade, Bangalore.

Sir,

SUBJECT: Mysore Insurance Act, 1939.

With reference to your letter dated 16th April 1940, I am directed to state that as already observed in this office letter No.P.6486 dated 29th March 1940, a copy of your reference of 2nd February 1940 may kindly be arranged to be sent in order to examine your suggestion on the above subject.

I am to add that your reference of the 2nd instant has not reached this office.

I have the honor to be,
Sir,
Your most obedient servant,

44
For Secretary to Government,
Law Department.

SUBJECT.....

.....

.....

Section

File No.

Serial No.

No.

To

The Branch Secretary,
Oriental Life Security
Life Insurance Co. Ltd
South Parade,
Bangalore.

Re Mysore Insurance Act 1939.

Diary No. of letter replied to.....

General and Revenue Secretariat

()
the 193

Date of issue.....

Signed by.....

to state that as already
observed in this office
the no PG 486 of 29.3.40
a copy of your
ref of 2.2.40 has
kindly be arranged
to be sent ^{in your} to examine
List of enclosures.....

Your suggestion in the
above subject.
Copied by.....

I am to add that
your ref of the 2nd inst
Examined by.....
has not reached this office

Sir,
with reference to your letter
dated 16th April 1940, I am directed to
~~request you to kindly send a copy~~
of your letter of the 2nd April 1940,
to which reference is made therein
to enable action, if any to be taken
in the matter.

TELEGRAPHIC ADDRESS:
"ORIENTAL" BANGALORE.

2050
P. 38

26 APR. 1940

TELEPHONE No. 101.
POST BOX No. 56.

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO. LTD.

(INCORPORATED IN INDIA, 1874.)



HEAD OFFICE



BOMBAY.

URGENT

BRANCH OFFICE FOR
MYSORE STATE AND COORG.
ORIENTAL BUILDINGS,
SOUTH PARADE

BANGALORE, 25th April 1940.

From The Branch Secretary,
Oriental Govt. Security Life Assurance Co., Ltd.,
South Parade, Bangalore.

To The Secretary to Government
Law Department,
General & Revenue Secretariat, Bangalore.

Sir,

Mysore Insurance Act 1939.

I have the honour to acknowledge receipt of your letter No. P. 6952 dated the 24th instant and as desired therein, I send annexed a fresh copy of our letter of 2nd February last as also a copy of our letter of the 2nd instant both of which you state you have not received. As the matter is pending for a long time, I shall thank you to kindly let us have a reply at an early date to enable us to write to our Head Office who have reminded us in this connection.

* Sent to Mr. H. V. Narayana Rao, B.A. & LL.B.,
Law Secretary.

I have the honour to be
Sir,
Your most obedient servant,

[Signature]

Branch Secretary.

ORIENTAL GOVERNMENT SECURITY
LIFE ASSURANCE CO., LTD.

2nd February 1940.

From
N. Swaminathan Esq., B.A.,
Branch Secretary,
Oriental Govt. Security Life Assurance Co., Ltd.,
South Parade, Bangalore.

To The Secretary to Government
Law Department, Public Offices,
Bangalore.

Sir,

Re: Mysore Insurance Act 1939.

I beg to invite your kind attention to Section 30 (a) of the Mysore Insurance Act 1939 wherein the under-mentioned Clause appears:-

"The transfer or assignment shall be complete and effectual upon the execution of such endorsement or instrument duly attested except where the transfer or assignment is in favour of the Insurer but shall not be operative as against an insurer...."

The above Clause means that even where the assignment is in favour of the Insurer by way of Loan a notice of assignment is required. I daresay this was not contemplated by the Legislature inasmuch as in the first place there is no need for such notice when the assignment is in favour of the Insurer in consideration of the Loan granted within the Surrender value of the Policy. Secondly the particular Clause "except where the transfer of assignment is in favour of the Insurer" does not find a place in the corresponding Section of the Indian Insurance Act 1938 and it is therefore clear that it is not anywhere contemplated that such a notice is essential in the case of the Insurer. It seems to me that this apparent

ORIENTAL GOVERNMENT SECURITY
LIFE ASSURANCE CO., LTD.

anomaly has arisen as a result of the word "but" appearing in the wrong place; for instance, if the word "but" were to appear between "attested" and "except" and the Clause re-written as under, the necessity to give a notice to the Insurer in the case of an assignment to the Insurer himself will be obviated in consonance with the requirement with the Government of India Act.

"The transfer or assignment shall be complete and effectual upon the execution of such endorsement or instrument duly attested but except where the transfer or assignment is in favour of the insurer, shall not be operative as against an Insurer...."

I shall therefore be glad if you will be good enough to look into this matter, as I believe possibly this may be a printing mistake which, however, has given room for such a serious misinterpretation causing considerable inconvenience to Insurance Companies who, as you know, are having heavy transactions every day by way of Loans to the Policyholders and to insist on each Policyholder to issue a notice on every such occasion will certainly be an inconvenience to the Policyholders as well.

I have the honour to be
Sir,
Your most obedient servant,

Sd/- N.S. Nathan.

Branch Secretary.

Bangalore 2nd April 1940

From

N. Swaminathan, Esq. B.A.,
Branch Secretary, Oriental Life Office,
Bangalore.

To

H.V. Narayana Rao, Esq. B.A. LL.B.,
Secretary to the Government,
Law Department, Bangalore.

Sir,

Re: Mysore Insurance Act 1939.

I have the honour to acknowledge receipt of your letter No.P.6486 dated 28/29th ultimo and as desired, I send annexed a copy of my letter of 2nd February last in the above connection and shall be glad if you will take the necessary action in this behalf at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- N. Swaminathan

Branch Secretary.

TELEGRAPHIC ADDRESS:
"ORIENTAL" BANGALORE.

8061/23

TELEPHONE NO. 101.
POST BOX NO. 56.

ORIENTAL GOVERNMENT SECURITY LIFE ASSURANCE CO., LTD.

(INCORPORATED IN INDIA, 1874.)

HEAD OFFICE



BOMBAY.

BRANCH OFFICE FOR
MYSORE STATE AND COORG.
ORIENTAL BUILDINGS,
SOUTH PARADE,

Legis
Huz
1806 M.W.V.
1816
ADDRESS ALL COMMUNICATIONS TO
THE BRANCH SECRETARY, AND
QUOTE NO. OF LATEST POLICY.

BANGALORE, 14th June 1940.

Dear Mr. H.V. Narayana Rao,

Re: Mysore Insurance Act 1939.

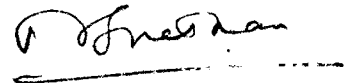
I beg to invite your kind attention to the several letters addressed by us both officially and personally ending with our letter dated 25th April last and as our Head Office are anxious that the apparent mistake in the drafting of Section 38 (2) of the Mysore Insurance Act 1939 should be remedied so as to obviate the considerable inconvenience caused to us as also to the other Insurance Companies in the State, I shall esteem it a favour if you will kindly have this matter given your early attention.

Thanking you,

I am,

Yours Sincerely,

H.V. Narayana Rao Esq., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.



Sm

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P 207

Leg's 1-40-1

General and Revenue Secretariat,

Dated Bangalore

16th July 1940

1940

CORRIGENDUM.

NOTIFICATION.

In Sub-section (2) of section 38 of the Insurance Act, 1939,
for the words, " duly attested except where the transfer o
assignment is in favour of the insurer but shall not be op
the words " duly attested but except where the transfer or
assignment is in favour of the insurer shall not be operat
shall be substitut

By Order,

M. K. Varad
Secretary to Government
Law Department.

In Sub-section (2) of section 38 of the Insurance Act, 1939, ~~shall read as if~~ for the words, "duly attested except where the transfer or assignment is in favour of the insurer but shall not be operative" the word "duly attested but except where the transfer or assignment is in favour of the insurer shall not be operative" ^{shall be} ~~had been~~ substituted

By Order,

Hm
30/5

Secretary to Government
For Law Department.

To

The Compiler, Mysore Gazette
in Part IV and sending 100 spare copies
to this office early.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No.

General and Revenue Secretariat,

Dated Bangalore

July 1946

~~CONFIDENTIAL~~
NOTIFICATION

In sub-section (2) of section 35 of the Insurance Act, 1938,
for the words, " duly attested except where the transfer or
assignment is in favour of the insurer but shall not be operative"
the words " duly attested but except where the transfer or
assignment is in favour of the insurer shall not be operative"
shall be substituted.

By Order,

M. K. Haradara
Secretary to Government,
Law Department.

The Compiler, Mysore Gazette, for publication
in Part I, and sendin: 100 spare copies to

NOTIFICATION.

No. P. 207—*Legis.* 1-40-1, dated Bangalore,
10th July 1940.

CORRIGENDUM.

In Sub-section (2) of Section 38 of the Insurance Act, 1939, for the words, "duly attested except where the transfer or assignment is in favour of the insurer but shall not be operative" the words "duly attested but except where the transfer or assignment is in favour of the insurer shall not be operative" shall be substituted.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.